

## NOTICE OF APPLICATION NO. 8758-3 to Appropriate Water

Notice is given that Marvin Post, 21242 461<sup>st</sup> Avenue, Volga SD 57071 has filed an application for a water permit to irrigate an additional 127.5 acres from two wells authorized by Water Permit Nos. 6930-3 and 7046-3. Water Permit No. 6930-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed in the Big Sioux: Brookings Aquifer (58 feet deep) located in the center of the NE 1/4 Section 28 for irrigation of 160 acres located in the NE 1/4 Section 28; all in T110N-R51W. Water Permit No. 7046-3 appropriates 1.56 cfs from one well completed in the Howard Aquifer (313 feet deep) located in the NW 1/4 NE 1/4 Section 28 to irrigate 160 acres located in the NE 1/4 Section 28; all in T110N-R51W. Only 120 acres of the permitted 160 acres were developed. This application proposes to irrigate an additional 127.5 acres located in the NW 1/4 Section 28 from the two existing wells both located in the NW 1/4 NE 1/4 Section 28; all in T110N-R51W. This application, if approved, and Water Permit Nos. 6930-3 and 7046-3 will authorize a total of 1.34 cfs for irrigation of 247 acres. The 1.34 cfs diversion rate reflects the combined developed rate from the wells. This site is located approximately 2 miles southwest of Volga SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8758-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by July 28, 2023.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by July 28, 2023.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled, and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.